

PMR ✓

JUN 12 1972

cc:  
Official File (PMRAP)  
Reading File (PMRAP)  
Zechman (PM); Long (PMR)  
PMAS (2)

Mr. Thomas F. Aires, Director  
Department of Highways and Traffic  
Government of the District of Columbia  
415 12th Street, NW.  
Washington, DC 20002

Dear Mr. Aires:

This is with reference to our letter of May 11, 1972, concerning the United States Tax Court site, in which we forwarded for your review and approval a draft agreement providing for the acquisition by friendly condemnation of that portion of Square 570 now owned by the D.C. Government.

The subject agreement was then further revised by Mr. Compton of your staff and a revised draft agreement, was forwarded to this office for our review and consideration. This agreement was intended to be used for purposes of stipulation in a friendly condemnation proceeding.

Our Legal Counsel has taken the position that certain provisions of the agreement open the possibility that General Services Administration (GSA) might illegally be augmenting appropriated funds of the District and may be assuming without any authority to do so, a District responsibility to another Government agency.. It was recommended that GSA proceed with an outright condemnation.

This office however, feels that the best interests of the District and GSA would be better served by a friendly condemnation. As construction will commence July 1, we request you give immediate consideration to the modified and simplified agreement attached hereto as a basis for a stipulation in a friendly condemnation. Please insert where indicated on the attached agreement the amount of compensation to be agreed upon.

As always, your cooperation is appreciated.

Sincerely,  
(signed) H. D. Harvell

H. D. Harvell  
Deputy Assistant Commissioner  
Office of Operating Programs

HDR  
6/12

Enclosure (See above)  
PMRAP:WMLuchaka:stw 6/9/72 X7483

Concurrences:

PMRA Q.B. 6/9/72  
Chief, Acquisition Branch

LB W. W. W. W.  
for Assist. General Counsel

PMR Leah 6/12  
Actg. Dir., Space Mgmt. Div.

MEMORANDUM OF AGREEMENT

For purposes of stipulation in a condemnation proceeding, it is mutually agreed by the parties hereto that:

The General Services Administration shall:

1. Institute condemnation proceedings in the United States District Court for the District of Columbia for acquiring these right-of-way lands in Square 570 as shown on Exhibit "A" dated June 1, 1972, now owned by the District of Columbia.
2. Deposit with the Clerk of the aforesaid Court the sum of \$ \_\_\_\_\_ as the agreed upon full and just compensation for the aforesaid lands.
3. Grant to the District of Columbia permanent and perpetual 15-foot easement, as shown on Exhibit "B", dated June 1, 1972.
4. Grant to the District of Columbia the right of ingress and egress to the easement area for construction, reconstruction, inspection, maintenance, repair and/or replacement of retaining walls, footings and other related highway facilities.
5. Grant a permanent and perpetual three dimensional easement not inconsistent with the highway easement to the Washington Metropolitan Area Transit Authority in the area in which a tunnel for a subway is now being constructed.
6. Cooperate fully with the District of Columbia in the design and construction of the buildings and appurtenances so as to preserve and protect the District's interest within the 15-foot easement area.

THOMAS F. AIRES, Director  
Department of Highways and Traffic  
Government of the District of Columbia

Date: \_\_\_\_\_

RONALD E. ZECHMAN  
Acting Assistant Commissioner  
Office of Operating Programs  
General Services Administration

Date: \_\_\_\_\_

<b>GENERAL SERVICES ADMINISTRATION</b> <b>PAYMENT AND CLOSING STATEMENT</b> <b>and</b> <b>RECEIPT FOR UNITED STATES TREASURER'S CHECK</b>		COUNTY _____ STATE _____ CONSIDERATION _____	PROJECT _____ PARCEL _____ ACREAGE _____
VENDOR'S NAME _____		VENDOR'S NEW ADDRESS _____	

ITEM	ACTION TAKEN	PAYMENTS BY VENDOR	PAYMENTS FROM TREAS. CHECK
CURATIVE MATERIAL OBTAINED			
APPROVED BY TITLE CO. (C/T) OR S.A. (ABST.)			
NOTARY FEES (Vendor's expense)			
RECORDING FEES (Vendor's expense)			
PHYSICAL INSPECTION OF PROPERTY			
DISCLAIMERS - GSA FORM 1936			
REPORT ON VACATION OF PROPERTY - GSA FORM 1939			
CERTIFICATE OF CROP INSPECTION			
REFUND FOR CROPS HARVESTED BY VENDOR			
FEE FOR ISSUING CASHIER'S CHECK OR MONEY ORDER			
CERTIFICATE OF INSPECTION AND POSSESSION - GSA FORM 1931			
DEED TO UNITED STATES			
NOTARY FEE (Vendor's expense)			
FEDERAL REVENUE STAMPS (Vendor's expense)			
STATE REVENUE STAMPS (Vendor's expense)			
RECORDING FEE (Vendor's or United States expense - see contract)			
SEARCH OF RECORDS SINCE LAST CONTINUATION			
MORTGAGES, JUDGEMENTS, LOANS AND OTHER LIENS			
1. PAYMENT TO _____ ; PRINCIPAL			
INTEREST FROM _____ TO _____			
2. PAYMENT TO _____ ; PRINCIPAL			
INTEREST FROM _____ TO _____			
RELEASE FEES (Vendor's expense)			
TAXES: DELINQUENT FROM 19 _____ TO 19 _____			
CURRENT - 19 _____			
WITHHELD FOR TAXES WHICH ARE A LIEN BUT NOT PAYABLE			
FEE FOR ISSUING CASHIER'S CHECK OR MONEY ORDER			
<b>TOTAL PAYMENTS</b>			
CONTRACT PRICE (Includes severance damage in the amount of \$ _____ )			
TOTAL PAYMENTS FROM TREASURER'S CHECK (Are all requirements of the Attorney General's opinion satisfied?)			
BALANCE DUE VENDOR			
The above is a complete, true and correct account of funds received and disbursed by me and a report of the action taken conducting payment and closing of this transaction.			
DATE _____	TYPED NAME OF CLOSING ATTORNEY _____	SIGNATURE OF CLOSING ATTORNEY _____	
I/We have examined the above closing statement and find it correct and hereby approve the disbursements shown therein. I/We hereby further acknowledge receipt this day of Treasury Check of the United States listed next below, payable to the undersigned.			
DATE OF CHECK <b>6/15/72</b>	CHECK NUMBER <b>52,466,884</b>	AMOUNT FOR WHICH CHECK IS DRAWN <b>\$900000.00</b>	
DATE PAYEE(S) RECEIVED TREASURER'S CHECK	TYPED NAME OF PAYEE _____	SIGNATURE OF PAYEE _____	
	TYPED NAME OF PAYEE _____	SIGNATURE OF PAYEE _____	

## NEGOTIATION RECORD (Real Property Acquisition)

**PROJECT**

PARCEL  
Square 570  
806& 805)

United States Tax Court, Washington, D.C. (Lots 814,815,816,839,833

## OWNERS

NAME \_\_\_\_\_

**ADDRESS**

PHONE NO.

District of Columbia, a  
municiple corporation

**PERSONS CONTACTED**

NAME \_\_\_\_\_

**TITLE**

DATE \_\_\_\_\_

Mr. Thomas F. Airis

Director, D.C. Department of  
Highways and Traffic

Mr. William Compton

Chief, Right-of-Way Engineering  
Branch

Mr. A. T. Roth

Assistant Chief, Office of  
Engineering Division

## REMARKS

**ACTION TAKEN AS RESULT OF THIS CONTACT**

**SIGNATURE**

JAMES W. McMAHON

**TITLE**

## Chief, Land Purchasing Activity

DATE

6/16/72

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF HIGHWAYS AND TRAFFIC

415 12TH STREET, N. W.

WASHINGTON, D. C. 20004

ADDRESS REPLY TO  
DIRECTOR OF HIGHWAYS AND TRAFFIC



JUN 16 1972

Mr. H. D. Harvell  
Deputy Assistant Commissioner  
for Operating Programs  
U. S. General Services Administration  
Public Buildings Service  
Washington, D. C. 20405

Dear Mr. Harvell:

This is in response to your June 12, 1972, letter to me regarding the U. S. Tax Court site with another version of a proposed agreement.

As you know, Mr. Kidwell previously submitted a suggested agreement for our consideration and review. That submittal is still in the process of review and, therefore, it is not appropriate to comment further on that matter until completion of the review. However, the Department of Highways and Traffic, in processing the Center Leg Freeway, purchased property back of the west wall at approximately 45 feet. This was for maintenance, landscaping, etc., and to guarantee continued natural air movement in the vicinity.

Under the present concept, the Tax Court building will be sited partially on property reserved for maintenance, landscaping, etc. purposes as outlined above and will be adjacent to a Plaza built on a deck over the freeway. The deck proposal raises the question of impact on air quality.

It should be noted that approval by the National Capital Planning Commission was given contingent upon the satisfactory resolution of this issue.

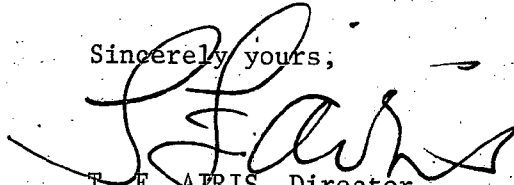
We are of the opinion that final action on the building cannot occur legitimately until it is shown that the concentrations of roadway emissions due to the canopy over the freeway will not exceed District of Columbia air quality standards. We are particularly

Mr. H. D. Harvell  
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concerned with prospective pollutant concentrations in the plaza area where relatively long-term human exposure can occur.

When this air quality analysis is completed, this Department will participate in appropriate condemnation action to serve the best interests of all parties concerned.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'T. F. ATRIS', with a large, sweeping flourish extending from the end of the name.

T. F. ATRIS, Director  
Department of Highways and Traffic, D. C.